

## EXAMINER'S AMENDMENT

1. A supplemental examiner's amendment to the record, which replaces the examiner's amendment dated 02/18/11, and corrects for an omission to the amendment to claim 23, appears below.

Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Garth Dahlen on March 11, 2011.

The application has been amended as follows:

3. **Claim 3** is cancelled.

4. **Claim 1** is rewritten as:

- - An optical laminate (optical laminate C) which comprises a layer (layer A) comprising a resin having a negative intrinsic birefringence and at least one layer (layer B) comprising a transparent resin, having substantially no orientation and laminated at least on one face of layer A and satisfies a relation  $|Re(A)| > |Re(B)|$ , wherein  $Re(A)$  and  $Re(B)$  represent an in-plane retardation of layer A and an in-plane retardation of layer B, respectively, measured with light having a wavelength of 400 to 700 nm, wherein the optical laminate satisfies a relation  $\Sigma nz > \Sigma ny - 0.002$ , wherein  $\Sigma nz$  represents a refractive index in a direction of a thickness and  $\Sigma ny$  and  $\Sigma nx$  represent refractive indices in two directions which are perpendicular to the direction of a thickness and perpendicular to each other of optical laminate C measured with light having a wavelength of 550 nm,

and  $\Sigma n_x$ ,  $\Sigma n_y$  and  $\Sigma n_z$  satisfy relations  $\Sigma n_x < \Sigma n_y$  and  $\Sigma n_x < \Sigma n_z$ ; and wherein the optical laminate satisfies a relation  $Tg(A) > Tg(B) + 20$ , wherein  $Tg(A)$  and  $Tg(B)$  represent glass transition temperatures in °C of the resin of layer A and the resin of layer B, respectively. - -.

5. **Claim 16** is rewritten as:

- - The optical laminate according to Claim 15, which satisfies relations  $Tg(A) > Tg(D)$  and  $Tg(B) > Tg(D)$ , wherein  $Tg(D)$  represents a glass transition temperature or a softening point in °C of an adhesive in the adhesive layer [[,]] and wherein  $Tg(A)$  and  $Tg(B)$  represent glass transition temperatures in °C of the resin of layer A and the resin of layer B, respectively. - -.

6. **Claim 22** is rewritten as:

- - The optical laminate according to Claim 21, wherein the laminate is co-stretched at a temperature of from  $Tg(A) - 10$  (°C) to  $Tg(A) + 20$  (°C) [[,]] wherein  $Tg(A)$  and  $Tg(B)$  represent glass transition temperatures in °C of the resin of layer A and the resin of layer B, respectively. - -.

7. **Claim 23** is rewritten as:

- - The optical laminate according to Claim 21, wherein the laminate is obtained by a molding process by coextrusion of the resin having a negative intrinsic birefringence and the transparent resin [[,]] wherein  $Tg(A)$  and  $Tg(B)$  represent glass

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~~transition temperatures in °C of the resin of layer A and the resin of layer B,~~  
~~respectively. - -.~~

8. Line 14 of **Claim 25** is rewritten as:

- - laminating [[a]] the layer comprising [[a]] the transparent resin and having substantially no orientation - -.

9. On **Page 1** of the Specification, new line:

- - This application is a 371 of PCT/JP05/005666 filed March 22, 2005. - -

is inserted as line 1 below the title “OPTICAL LAMINATE, OPTICAL ELEMENT AND LIQUID CRYSTAL DISPLAY DEVICE”.

10. On **Page 1** of the Specification, the header “DESCRIPTION” is deleted.

***Rejoinder of Withdrawn Process Claims***

11. Claims 1-2, 4, 6-24 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claims 25-26, directed to the process of making or using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on January 22<sup>nd</sup>, 2010, is hereby withdrawn**. In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

***Reasons for Allowance***

12. The examiner's statement of reasons for allowance in the notice of allowability dated 02/18/11 is repeated below.

Regarding the product claims 1-2, 4, 6-24, the closest cited prior art of record, US 2002/0060762, fails to fairly teach or suggest, even in view of US 2003/0125503, US 4,985,285, JP 2000-141567, JP 2003-090912 and WO03/033454 (US 6,846,890), the optical laminate described above. The transparent resin is different in '762, being Zeonor 1420 ([0103]) and having a Tg(B) of 135 °C, as evidenced by Applicant's specification (page 28, lines 10-15), which is the same as that of Zeonor 1430 used in Comparative Example 1 of Applicant's specification (page 31, lines 14-25), while the resin having a negative intrinsic birefringence, namely Dylark D332, is the same in both '762 ([0103]) and the present application, and has a Tg(A) of 130 °C, as evidenced by Applicant's specification (page 27, lines 5-10), which does not satisfy the relation  $Tg(A)>Tg(B)+20$ .

Regarding the process claims 25-26, the closest cited prior art of record, US 2002/0060762, fails to fairly teach or suggest, even in view of US 2003/0125503, US 4,985,285, JP 2000-141567, JP 2003-090912 and WO03/033454, a process for producing an optical laminate (optical laminate C) which comprises a layer (layer A) comprising a resin having a negative intrinsic birefringence and at least one layer (layer B) comprising a transparent resin, having substantially no orientation and laminated at least on one face of layer A and satisfies a relation  $|Re(A)|>|Re(B)|$ , wherein Re(A) and Re(B) represent an in-plane retardation of layer A and an in-plane retardation of layer B,

respectively, measured with light having a wavelength of 400 to 700 nm, wherein the optical laminate satisfies a relation  $\Sigma nz > \Sigma ny - 0.002$ , wherein  $\Sigma nz$  represents a refractive index in a direction of a thickness and  $\Sigma ny$  and  $\Sigma nx$  represent refractive indices in two directions which are perpendicular to the direction of a thickness and perpendicular to each other of optical laminate C measured with light having a wavelength of 550 nm, and  $\Sigma nx$ ,  $\Sigma ny$  and  $\Sigma nz$  satisfy relations  $\Sigma nx < \Sigma ny$  and  $\Sigma nx < \Sigma nz$ , wherein said process comprises: laminating the layer comprising the transparent resin and having substantially no orientation on at least one face of the layer comprising the resin having a negative intrinsic birefringence to form an unstretched laminate, and *co-stretching* the formed unstretched laminate.

In Applicant's specification, Applicant demonstrates that when the formed unstretched laminate is *co-stretched*, the resin of layer B comprising transparent resin having substantially no orientation, cannot have a Tg(B) that is higher than the Tg(A) of the resin of layer A comprising resin having a negative intrinsic birefringence, to form an optical laminate that satisfies the combination of the relation  $|Re(A)| > |Re(B)|$  for Re(A) and Re(B) measured with light having a wavelength of 400 to 700 nm, and the relations  $\Sigma nx < \Sigma ny$  and  $\Sigma nx < \Sigma nz$  for  $\Sigma nx$ ,  $\Sigma ny$  and  $\Sigma nz$  measured with light having a wavelength of 550 nm (Examples 1-2 and Comparative Example 1, Tables 1-2, page 34). The transparent resin is different in '762, being Zeonor 1420 ([0103]) and having a Tg(B) of 135 °C, as evidenced by Applicant's specification (page 28, lines 10-15), which is the same as that of Zeonor 1430 used in Comparative Example 1 of Applicant's specification (page 31, lines 14-25), while the resin having a negative intrinsic

birefringence, namely Dylark D332, is the same in both '762 ([0103]) and the present application, and has a Tg(A) of 130 °C, as evidenced by Applicant's specification (page 27, lines 5-10).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication should be directed to SOPHIE HON whose telephone number (571)272-1492. The examiner can normally be reached Monday to Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Ortiz, can be reached at (571)272-1206. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Primary Examiner, Art Unit 1798